

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Alex J. Olson,

Case No. \_\_\_\_\_

Plaintiff,

**NOTICE OF REMOVAL**

v.

Walmart Inc.,

Defendant.

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Defendant Walmart Inc. (hereinafter “Walmart”), by and through its undersigned counsel, as and for its Notice of Removal of an action venued in the Third Judicial District Court, Steele County, Minnesota to the United States District Court, District of Minnesota, states:

**REMOVAL IS TIMELY**

1. On January 6, 2021, through service of a Summons and Complaint, Plaintiff Alex J. Olson (“Plaintiff”) commenced an action against Walmart, in the Third Judicial District Court, Steele County, Minnesota. A true and correct copy of the Summons and Complaint is attached as Exhibit 1.

2. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the date that Walmart was served with the Summons and Complaint.

**REMOVAL IS PROPER BASED ON DIVERSITY JURISDICTION**

***The Amount in Controversy Exceeds \$75,000***

3. In the Complaint, Plaintiff alleges he has been damaged “in an amount exceeding Fifty Thousand Dollars (\$50,000.00).” (Ex. 1, Compl.)

4. Plaintiff alleges he has been caused to “expend money for the medical care and treatment of his injuries, and in the future will be required to expend sums of money for medical treatment of his injuries.” Upon information and belief, Plaintiff is claiming damages exceed \$75,000.

***The State Court Action Is Between Citizens of Different States***

5. As alleged, Plaintiff is a Wisconsin resident. (Compl., ¶ 1.)

6. Walmart is a Delaware corporation with its principal place of business located in Arkansas.

***Diversity Jurisdiction Exists***

7. As set forth in Paragraphs 5 and 6 above, this Court has diversity jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. § 1332, and the action that Plaintiff served in State Court is properly removable under 28 U.S.C. § 1441.

**DEFENDANT HAS COMPLIED WITH THE REMOVAL PROCEDURES**

8. As required by 28 U.S.C. § 1446(a), Walmart has attached as Exhibit 1 to this Notice of Removal a copy of all process, pleadings and orders served upon it relating to the State Court action.

9. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiff, by and through his counsel of record, and with the Clerk of the Third

Judicial District Court, Freeborn County, Minnesota, the State Court under which Plaintiff initially commenced an action against Walmart.

**DEFENDANT PRESERVES ALL DEFENSES**

10. The Answer of Walmart or other response to the Complaint was not due prior to filing this Notice of Removal. By filing this Notice of Removal, Walmart does not waive any defense or counterclaim that may be available to it including jurisdictional defenses. As required under Fed. R. Civ. P. 81(c)(2), Walmart will respond to the Complaint within the time set forth therein, unless an extension of the deadline is properly obtained pursuant this Court's approval.

WHEREFORE, Walmart respectfully removes the above-referenced cause of action from the Third Judicial District Court, Freeborn County, Minnesota to the United States District Court of Minnesota, submits that no further proceedings be had in Minnesota State Court, and requests such other and further relief as is necessary and proper.

Dated: January 26, 2021

/s/ Angela Beranek Brandt

Angela Beranek Brandt (#0293143)

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**Attorneys for Walmart Inc.**